

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, PR.

2003 FEB 10 AM 10:27

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UNITED STATES
Plaintiff(s)

v.

CIVIL NO. 97-1683 (JAG)

ONE URBAN LOT #10181
Defendant(s)

MOTION

ORDER

Date Filed:

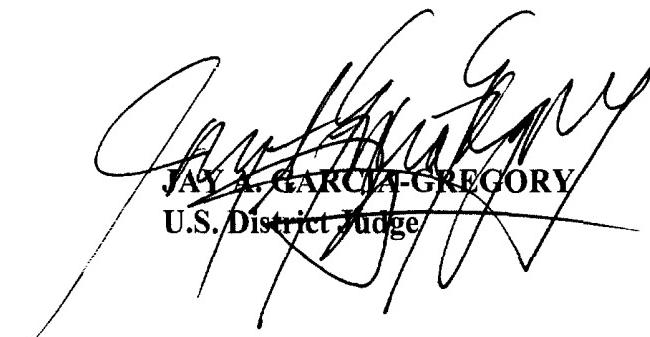
Title: Motions by Claimant Barbosa and
Manuel Perez requesting Finding
of Disproportionality and to Set a
Fine in Lieu of House Forfeiture

Docket(s): 114 & 115

X Plaintiffs **Third Party**
 Defendant(s) **Other**

DENIED. Claimants do not contest the Government's right to forfeit their homes, but they contest the proportionality of the forfeiture in relation to the offense. They ask the Court to quantify an appropriate value for forfeiture and allow the owner an opportunity to redeem the house by paying a fine proportionate to the gravity of the offense. They cite to the fact that another claimant's home in the same action was released for a fine of \$10,000. (Docket No. 115 at 2). The parties have not cited and the Court has not found one single case in which a Court has set a fine in lieu of complete forfeiture. While the Court is sympathetic to claimants' requests, it does not believe the forfeitures of properties D and F can be considered "grossly disproportional" to the gravity of the offenses. See generally USA v. The Real Property with Any Improvements Thereon located at 40 Clark Road, 52 F.Supp. 2d 254 (D. Mass. 1999); USA v. One Parcel Property Located at 427 and 429 Hall Street, 853 F.Supp. 1389 (M.D. Alabama); USA v. Parcel of Land and Residence at 28 Emery Street, 914 F.2d 1 (1st Cir. 1990).

Date: February 6, 2003


JAY A. GARCIA-GREGORY
U.S. District Judge

(11)

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